

Statements under 37 C.F.R. §1.173(c)

The following statements are made pursuant to the requirements of 37 C.F.R. §1.173(c). Patent claims 1-4 have been cancelled without prejudice toward the continuation of prosecution in a continuing application. Added claims 5-218 have also been cancelled without prejudice. Claims 219-228 are the only claims now pending in the case.

Pursuant to 37 C.F.R. §1.173(c), the following is an explanation of the support in the disclosure of the patent for the changes made to the claims by the present amendment.

The only changes made by the present amendment are the deletion of claims 177 and 210-218. Thus, as no changes have been made to the claims presently remaining in the case, no explanation is needed.

REMARKS

The present amendment is being filed pursuant to 37 CFR 41.33(b) (1) to cancel claims. Claims 219-228 are the only claims now appearing in this case. All rejections of these claims were reversed in the decision issued for this appeal on August 6, 2012.

The August 6, 2012, decision affirmed-in-part the rejections of the examiner. Claims 177 and 210-228 appeared in this case at the time of the decision. One of the examiner's rejections of claims 177 and 210-218 has been affirmed. However, following the reversal of three other rejections, there are no rejections of record for any of claims 219-228. According, it is applicant's desire that the present application be returned to the examiner as quickly as possible so as to allow the examiner to pass claims 219-228 to issue as quickly as possible.

MPEP 1214 and 37 CFR 41.54 provide that after decision by the Board, the proceeding will be returned to the examiner, subject to appellant's right of appeal or other review, for such further action by appellant or the examiner as the condition of the proceeding may require, to carry into effect the decision. The MPEP states that the file is not forwarded to the examiner by the Board until after about ten weeks if any rejection is affirmed. Appellant wishes to avoid

this ten week delay. Accordingly, all of the claims that remained rejected following the decision of August 6, 2012, have now been deleted. There are no more claims in the case that may be subject to a request for rehearing or an appeal. Nevertheless, for the record, appellant hereby waives its right to appeal the affirmed rejections in this case or to request rehearing thereof. Claims 177 and 210-218, which were the subject of an affirmed rejection, have now been deleted without prejudice toward the continued prosecution thereof in a continuing application.

Accordingly, granting of this request and return of the present application to the jurisdiction of the examiner as quickly as possible is earnestly solicited.

Copy of Claims in Conventional Amended Format

MPEP §1453.V.D. states with respect to the amendment of new claims:

Although the presentation of the amended claim does not contain any indication of what is changed from the previous version of the claim, applicant must point out what is changed in the "Remarks" portion of the amendment.

Claims 219-228 have not been amended by the present amendment. The only changes made by the present amendment are the cancellation of claims 177 and 210-218.

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Amdt. dated August 16, 2012
Reply to Decision of August 6, 2012

Conclusion

As no rejected claims remain in the case, prompt return to the examiner is earnestly solicited. As all of the claims now present in case clearly define over the references of record and fully comply with 35 U.S.C. 112, prompt consideration by the examiner and allowance are also earnestly solicited.

Respectfully submitted,

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